# UNITED STATES DISTRICT COURT EASTERN DISTRICT OF PENNSYLVANIA

ACEKSANDAR KAVAJA	0	
V.	CASE NO 20-00202-001	
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UNITED STATES OF AMERICA	DECEMBER	1
	MAY 1 8 2023	4
	U.S.C.A. 3	
TION FOR PETURN	OF SEIZEW PROPERTY	hor

NOW COMES ALEKSANDAR KAVAJA, PURSUANT TO RULE 41 (C) OF THE FEDERAL RULES OF CRIMINAL PROCEDURE, AND RESPECTFULLY MOVES THIS HONORABLE COURT TO DIRECT THAT "MONTE NEGRIAN PASSPORT, BELONGING TO PETITIONER A SCHEDULE OF WHICH IN ANNEXED, AND WHICH WAS TAKEN FROM HIM ON JUNE 19 2019, AT THE PROMISES LOCATED AT PORT PACKER MARINE TERMINAL IN PHILADELPHIA, IN THE EASTERN DISTRICT OF PENNSYLVANIA, DISTRICT BY THE UNITED STATES MARSHALL FOR THIS DISTRICT BE RETURNED TO HIM.

PESPECTFULLY SUBMITTED
ALEKSANDAR KAVAJA

PRO SE

DATED: 5.12.2023

# ALEKSANDAR KAVAJA

Defendant,

VS.

UNITED STATES OF AMERICA.

Plaintiff,

\*\*\*\*\*\*\*

COMES NOW the Petitioner,

in the above action moves to compel this Court to "Order" the UNITED STATES to return Petitioner's property pursuant to Federal Rules of Criminal Procedure, Rule 41(g). Supported by the below Grounds herein:

#### JURISDICTION

Jurisdiction in this case is by virtue pursuant to Federal Rules of Criminal Procedure, Rule 41(g), which states in pertinent part:

Rule 41(g), States "A person agrieved by the deprivation of property may move for the property's return. The motion must be filed in the district where the property was seized. The court must receive evidence on any factual issues necessary to decide the motion. Id.

#### STATEMENT OF FACTS

ON JUNE 19 2019 ALEKSANDAR KAVAJA WAS ARRESTELD AT
PORT PACKER MARINE TERMINAL IN PHILADELPHIA. HIS PASSPORT
WAS SIZED BY US GOVERMENT. BECAUSE PETITIONER FACING
DEPORTATION TO MONTE NEGRO, HIS PASSPORT IS ESSNTIAL
IN HIS IMMIGRATION PROCESS, WITH OUT HIS PASSPORT
PETITIONER WILL FACE ON DUE BURDEN, CAUSING
THEN NECESSARY.

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#### NO CIVIL NOR CRIMINAL FORFEITURE ON RECORD

THE UNITED STATES never initated Civil forfeiture proceedings

pursuant to 18 USC \$981 or Criminal forfeiture pursuant to 18 USC \$982.

#### ARGUMENT

Forfeitures are subject to all the constitutional and stautory procedural safeguards available under criminal law. PATTERSON, 177 Wash. D.L. Rptr. 741. SEIFUDDIN, 820 F.2d 1075 (9th Cir. 1987).

An indictment must include the forfeiture counts, and jury must prove beyond a reasonable doubt as to whether or not the alleged property is in fact forfeited, without the aforementioned requisite performed the UNITED STATES must return the petitioners property.

In this case, the UNITED STATES <u>did not</u>, and <u>has never</u> initiated forfeiture proceedings with respect to the seized property taken from the petitioner. Nor the Defendant at the time of arrest, after or at trial or ever after trial.

Therefore pursaunt to FRCP Rule 41 (g), the UNITED STATES must return the petitioners property.

### CONCLUSION

THE LAWS ARE VERY CLEAR ON WHAT THE UNITED

STATED OBLIGATIONS WERE WITH RESPECT TO PROCEDURE.

THEY WERE MANDATED TO BOTH ADHERE TO AND FOLLOW

PROCEDURES RELATING TO CIVIL OR CRIMINAL

FOREITURES, BUT "KNOWINGLY AND WILLINGLY, FAILED

TO DO SO.

THE LAWS ARE JUST AS CLEAR AS IT RELATES TO WHAT MUST BE DONE WHEN THEN THE UNITED STATES DOES NOT INSTITUTE ANY WHATSOEVER FORFEITURE PROCEEDINGS. WHICH 13 TO SIMPLY RETURN THE PETITIONER'S PROPERTY WHEN RULE 41 (G) MOTION IS FILED.

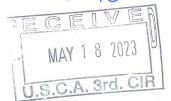
## PRAYER

WHEREFORE SUPPORTED BY THE FACTS AND
EVIDENCE AS PRESENTED BY LAW, PETITIONER
PRAYS THAT COURT ISSUED AN "ORDER, ORDERING
U.S. GOVERMENT FOR THE STATE OF PHILADELPHIA,
PENNSYLVANIA TO RETURN THE PETITIONER PROPERTY
IMMEDIATELY. ABSENT ANY WHATSOEVER PROPERTY
FORFEITURE PROCEEDING THE U.S. GOVERMENT FOR
EASTERN DISTRICT OF PENNSYLVANIA, IS DEPRIVING
THE PETITIONER OF HIS PROPERTY WITHOUT JUST CAUSE.

# CERTIFICATE OF SERVICE

I HEREBY CERTIFY THAT A TRUE AND ACCURATE COPY WAS MAILL TO BELOW THIS MAY . 12 OF 2023.

ALEKSANDAR KAVAJA
# 69914066
FEDERAL CORRECTIONAL
INSTITUTION BERLIN
PO BOX 9000
BERLIN, NH03570



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UNITED STATES COURTHOUSE
601 MARKET STREET, ROOM 1609
PHILADELPHIA TA 19106

19106-179199

FCI BERLIN P.O. BOX 69 BERLIN, NH 03570 DATE: 05 15 2022

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